

JOHN D. KIRBY (CSB 149496)  
ATTORNEY AT LAW  
401 W. A Street, Suite 1150  
San Diego, California 92101  
(619) 557-0100 (Phone)  
[jkirby@johnkirbylaw.com](mailto:jkirby@johnkirbylaw.com)  
Attorney for Michael G. Douglas

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
(HONORABLE MICHAEL S. BERG)**

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
vs.  
  
MICHAEL G. DOUGLAS,  
  
Defendant.

CASE NO. 23-mj-4483-MSB

**MEMORANDUM OF POINTS  
AND AUTHORITIES IN  
SUPPORT OF BOND**

Date: January 25, 2024  
Time: 10:45 a.m.

**I.**  
**THE CHARGES**

Mr. Michael G. Douglas (“Mr. Douglas”) is charged with violation of Title  
18, U.S.C., Sections 2252A(a)(2) & (b)(1).

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## II.

### **FACTS RELEVANT FOR BOND**

Mr. Douglas has resided in Escondido since his family moved to the San Diego area in 1990. Prior to his arrest he lived with his mother, Linda Douglas, and his aunt Patricia. Mr. Douglas' mother Linda is seventy-three (73) years old, and along with Mr. Douglas cares for Linda's sister Patricia Douglas, who is seventy-eight (78) and suffers from several health issues including non-alcoholic cirrhosis of the liver, congestive heart failure and several other maladies. Patricia Douglas has also recently fallen a total of three times, the most recent after Mr. Douglas' last court appearance. During this last fall, Patricia broke her eye socket and sustained a brain bleed. Prior to his arrest, Mr. Douglas was instrumental in Patricia Douglas' care. Mr. Douglas regularly drove her to the store and also to medical appointments, and also helped her around the home, as her sister Linda is not strong enough to lift her. Without Mr. Douglas' assistance, his mother is having difficulty caring for her sister.

The undersigned has also spoken with Mr. Steven Woods, who owns an estate liquidation business in the Escondido area. Mr. Woods confirmed that upon his release Mr. Douglas has a full-time job with Mr. Woods' company liquidating

1 a large estate, to include several luxury vehicles. Mr. Woods estimates that it will  
2 take Mr. Douglas approximately one year to liquidate that particular estate.

3  
4 Mr. Douglas has reported illicit drug use from 2008 through 2011.  
5 However, Mr. Douglas has not used any illicit drugs since 2011.

6  
7 Mr. Douglas has prior California state convictions. Mr. Douglas HAS made  
8 all of his court appearances in those cases. He successfully completed probation  
9 on those cases without incident.

10  
11 Last year, Mr. Douglas also opened a 501(c) corporation to assist the  
12 homeless in the Escondido area. On the night of his arrest, he was travelling on  
13 Interstate 15 with a homeless individual, Crystal LNU, who had recently been  
14 incarcerated at the Las Colinas detention center. Crystal LNU told Mr. Douglas  
15 that she had angered an individual at Las Colinas who she believed was connected  
16 to a drug gang, and that she was worried that members of the drug gang would try  
17 to do her harm.

18  
19  
20  
21 Mr. Douglas, as he was driving down Interstate 15, noticed that he was  
22 being followed by two late-model SUVs, and believed that these vehicles might  
23 belong to members of the drug gang that was after Crystal LNU. These vehicles  
24 then attempted to stop Mr. Douglas' vehicle. The vehicles did not use any red-  
25 and-blue flashing lights or sirens to identify them as law enforcement. Mr.  
26  
27  
28

1 Douglas, fearing that the occupants of the vehicles might harm him, flashed a two-  
2 dollar plastic hand grenade at the occupants. Once the occupants identified  
3 themselves as law enforcement officers, Mr. Douglas surrendered peacefully.  
4

5 Mr. Douglas vehemently denies all of the allegations contained in the  
6 complaint. He is willing to waive his right to an identity hearing to fight the  
7 charges in this case. Due to his own medical problems and those of his aunt  
8 Patricia, he wishes to fight these charges while on bond.  
9

### 10 III.

#### 11 RELEVANT LAW RELATED TO BOND

12 As a general principle, pretrial detention is anathema to our justice  
13 system. See United States v. Motamedt, 767 F.2d 1403, 1405 (9<sup>th</sup> Cir. 1985).  
14 Indeed, “federal law has traditionally provided that a person arrested for a non-  
15 capital offense shall be admitted to bail.” Id. (emphasis added). To this end, the  
16 Bail Reform Act “mandates release of a person facing trial under the least  
17 restrictive condition that will reasonably assure the appearance of the person as  
18 required.” Id. And pretrial release can be denied only if “the court ‘finds that no  
19 condition or combination of conditions will reasonably assure the appearance of  
20 the person as required and the safety of any other person and the community.’”  
21  
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1 United States v. Hir, 517 F.3d 1081, 1086 (9<sup>th</sup> Cir. 2008) (quoting 18 U.S.C. §  
2 3142(e)).

3 Moreover, all [d]oubts regarding the propriety of release should be resolved  
4 in favor of the defendant,” “[o]nly in rare circumstances should release be  
5 denied,” and the government always bears the “burden of proof.” Motamedt, 767  
6 F.2d at 1405-06. Ultimately, because “[a] crucial liberty interest is at stake,” the  
7 district court “should always [its] discretion with the recognition that [] pretrial  
8 detention [] may restrict for a significant time the liberty of a presumably innocent  
9 person.” United States v. Delker, 757 F.2d 1390, 1398-00 (3<sup>rd</sup> Cir. 1985). The  
10 Ninth Circuit has emphasized that, given “the presumption of innocence,” a  
11 defendant’s “right to bail should be denied only for the strongest of reasons.”  
12 Motamedt, 767 F.2d at 1407.

### 13 III.

### 14 ARGUMENT

### 15 THIS COURT CAN IMPOSE CONDITIONS THAT WILL REASONABLY 16 ASSURE MR. DOUGLAS’ APPEARANCE AND THE COMMUNITY’S 17 SAFETY

#### 18 A. Mr. Douglas is Not a Flight Risk:

19 Mr. Douglas is a forty-eight (48) year old United States citizen who has  
20 lived in Escondido since his family moved to the area in 1990. He lives with his  
21 mother and aunt and will continue to do so while on pretrial release. His ties to  
22

1 this community are strong. Mr. Douglas also has family members residing in the  
2 Florida area.

3 Mr. Douglas has a full-time job waiting for him once he is released. This  
4 full-time job involves the liquidation of a large estate, and it will likely take Mr.  
5 Douglas at least one year to accomplish this task. Presuming he done a good job  
6 on this project, there may be more work for him with this company.  
7

8 Mr. Douglas suffers from myriad health problems, including a serious  
9 spinal condition and knee issues that would keep him from fleeing to Mexico or  
10 elsewhere, even if he had the desire and wherewithal to do so. Mr. Douglas has  
11 had criminal matters in the past and has never failed to show up for court as  
12 required.  
13

14 Mr. Douglas initially fled from arresting agents in this case because he  
15 erroneously believed, based upon information supplied by the passenger in his  
16 vehicle, that the individuals following him may have been drug criminals. It is of  
17 note that the arresting agents did not sound a siren or flash red-and-blue lights  
18 normally associated with law enforcement when initially trying to apprehend him.  
19 Once Mr. Douglas realized that the individuals stopping him were law  
20 enforcement agents, he surrendered peacefully.  
21

22 Mr. Douglas' aunt, Patricia, has resources for bond and has agreed to act as  
23 a surety on his behalf.  
24

1       **B. Mr. Douglas is Not a Danger to the Community**

2       Mr. Douglas is not a danger to the community. Aside from one aspect of the  
3       unproven charges against him contained in the complaint, which he vehemently  
4       denies, there is nothing in the record to indicate that Mr. Douglas presents any  
5       danger to the community. Such unproven charges do not constitute a sufficient  
6       basis for determining by “clear and convincing evidence” that Mr. Douglas is a  
7       danger to the community. Moreover, there are other means, including GPS  
8       monitoring, that could be used to ameliorate both the danger of flight and the risk  
9       of harm to the community that fall short of the extreme remedy of detention  
10       without bond.

11       **C. Mr. Douglas is in Danger While in Custody**

12       Mr. Douglas suffers from a thinning of his spinal court in the cervical  
13       region of his spine. This thinning of his spinal cord will necessitate surgery for  
14       Mr. Douglas to avoid paralysis or even death. This condition could also result in  
15       paralysis or death if Mr. Douglas is jostled or assaulted. Mr. Douglas, due to the  
16       nature of the charges against him, has already been physically assaulted three  
17       times while in custody. Any further physical assault could potentially be deadly.

18       In addition, should Mr. Douglas be transported via the Marshals’ system  
19       from southern California to Florida, he will inevitably be subjected to jostling and  
20       bumps along the way, any one of which could cause paralysis or even death. He  
21

1 is in no danger of this if he is allowed to travel to Florida of his own accord to  
2 answer the charges in this case.

3 Further, Mr. Douglas will not receive adequate medical care while in  
4 custody. Putting aside the care he needs for his knees, according to his most  
5 recent medical evaluation he will need surgery to protect his thinning spinal cord  
6 in a year to eighteen (18) months to avoid paralysis. He is very unlikely to receive  
7 this surgery while in custody. Thus, holding him without bond is in effect  
8 condemning him to at least paralysis.  
9

### 10 III.

### 11 CONCLUSION

12 In sum, Mr. Douglas is not a risk of flight. He has strong ties to this  
13 community and is needed by his relatives. He also needs surgery to forestall the  
14 progress of his own medical condition. He is not a danger to the community, but  
15 is in danger of paralysis or death while in custody due to continued assaults  
16 against him, or due to the inevitable bumping and jostling that will accompany his  
17 travel in Marshals' custody to Florida.  
18

19 Given all of these facts, this Court should grant Mr. Douglas bond, along  
20 with GPS monitoring, to allow him to live and care for his relatives, receive his  
21 own needed medical care, and travel to and from Florida to fight the charges  
22 pending against him.  
23



Dated: January 22, 2024

Respectfully submitted,

s/ JOHN D. KIRBY

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JOHN D. KIRBY

Attorney for Defendant

MICHAEL G. DOUGLAS

Email: jkirby@johnkirbylaw.com

JOHN D. KIRBY (CA Bar No. 149496)  
110 W A Street, Suite 1100  
San Diego, CA 92101  
Tel (619)557-0100 Fax (619)557-0123

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA, ) Case No. 21-MR-04833-JLB-CAB  
Plaintiff, )  
vs. )  
MICHAEL G. DOUGLAS, ) **PROOF OF SERVICE**  
Defendant, )

I, the undersigned, hereby declare as follows:

1. I am over 18 years of age, a resident of the County of San Diego, State of California, counsel for the Defendant and that my address is 401 West A Street, Suite 1150, San Diego, CA 92101;
2. That today I served the Motion for Bail on opposing counsel by causing to be delivered by e-file to the Office of the Clerk; and that I mailed a copy to Defendant.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: January 22, 2024

/S/John D. Kirby  
John D. Kirby